

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

Michael P. Dipota
Mary D. Dipota
Debtors.

**NOTICE OF HEARING
ON OBJECTION TO
CLAIM**

Chapter 13
Case No. 10-13166 MJK

NOTICE OF HEARING

The above motion, filed on March 21st, 2011, be and hereby is, set for hearing on May 19th, 2011 at Noon at Niagara Falls Municipal Complex 1925 Main Street 3rd Floor Hearing Room, Room 314 Niagara Falls, NY 14305, and a copy of this order shall be mailed to the debtors and Lawrence J. Buckley, authorized agent for **Household Finance Realty Corporation of New York** PO Box 829009, Dallas TX 75382-9009 and **Cedarcrest Fund LP** at PO Box 830669, Arsenal Station, San Antonio, TX 78283

Dated: March 21st, 2011

/s/ Jason J. Evans, Esq.
Attorney for Debtor
Law Office of Jason J. Evans P.C.
5355 Main Street
Williamsville, NY 14221
(716) 630-0555

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

OBJECTION TO CLAIM

Michael P. Dipota
Mary D. Dipota

Debtors.

MJK

Chapter 13
Case No. 10-13166

OBJECTION TO CLAIMS

To the Honorable Michael J. Kaplan, United States Bankruptcy Judge:

Now comes the debtor in the above cause, by his attorney of record, and moves this honorable court to disallow the following claim heretofore filed in this case: **Claim # 4-2, the secured, non-priority claim of Household Finance Corporation in the amount of \$23,347.71 filed on January 28th, 2011; Claim # 9-1, the secured, non-priority Cedarcest Fund LP in the amount \$7,357 filed on December 27th, 2010.**

As grounds for this Motion, debtor assigns and sets down the following, separately and severally:

1. The said claim in question arose from the debtor's failure to pay real property taxes.
2. Upon Information and belief, both creditors have filed a claim for the payment of debtors' delinquent real property taxes for the year 2007.
3. Requiring the debtor to pay said claim would cause the debtor's Chapter 13 Plan to experience a durational problem at the current monthly payment. To satisfy the claim as filed would extend the debtors' payments past 60 months thereby placing an undue burden on the debtors' Chapter 13 Plan.

Debtor hereby demands that the creditor's named above produce at the hearing on the objection all records, books, or writings evidencing said indebtedness, and copies of all receipts given to the debtor.

Dated: March 21, 2011

/s/ Jason J. Evans, Esq
Attorney for Debtor
Law Office of Jason J. Evans P.C.
5355 Main Street
Williamsville, NY 14221
(716) 630-0555

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

Michael P. Dipota
Mary D. Dipota
Debtors.

**ORDER SUSTAINING
OBJECTION**

Chapter 13
Case No. 10-13166 MJK

ORDER

Upon debtor's objection to **Claim # 4-2, the secured, non-priority claim of Household Finance Corporation in the amount of \$23,347.71 filed on January 28th, 2011; Claim # 9-1, the secured, non-priority Cedarcest Fund LP in the amount \$7,357 filed on December 27th, 2010.**, and subsequently brought before and heard before this Court on May 19th, 2011 , now, therefore it is

ORDERED, that said objection is hereby sustained for good cause shown, **Claim # 4-2, the secured, non-priority claim of Household Finance Corporation in the amount of \$23,347.71 filed on January 28th, 2011; Claim # 9-1, the secured, non-priority Cedarcest Fund LP in the amount \$7,357 filed on December 27th** in the above titled action are disallowed.

DATED:

Honorable Michael J. Kaplan
United States Bankruptcy Judge